

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
vs.)	CASE NO. DNCW3:03MJ193
)	(Financial Litigation Unit)
)	
WILLIE SHUBRICK, JR.,)	
Defendant,)	
and)	
)	
SUNSHINE CLEANING SYSTEMS, INC.,)	
Garnishee.)	

ORDER OF CONTINUING GARNISHMENT

THIS MATTER is before the Court on the answer of Sunshine Cleaning Systems, Inc., as Garnishee. On April 2, 2004, the Honorable Carl Horn, III, sentenced Defendant to five years probation for his conviction of Failure to Pay Child Support in violation of 18 U.S.C. § 228(a)(1). Judgment in the criminal case was filed on April 2, 2004 (Docket No. 6). As part of that Judgment, Defendant was ordered to pay an assessment of \$10.00 and restitution of \$12,352.38 to the named party. *Id.*

On April 29, 2015, the Court entered a Writ of Continuing Garnishment ("Writ") (Docket No. 12), to Garnishee, Sunshine Cleaning Systems, Inc., ("Garnishee"). The United States is entitled to a wage garnishment of up to twenty-five percent of net income and has satisfied the prerequisites set forth in 15 U.S.C. § 1673. Defendant was served with the Writ on May 22, 2015, and Garnishee was served on May 8, 2015. Garnishee filed an Answer on May 26, 2015 (Docket No. 15), stating that at the time of the service of the Writ, Garnishee had in their custody, control or possession property or funds owned by Defendant, including non-exempt, disposable earnings.

However, the Answer of Garnishee also stated that Shubrick's wages are currently being garnished for delinquent federal taxes in the aggregate amount of \$100.00 per pay period.

State and federal tax garnishments are not subject to the same percentage limitations as other types of garnishments. *See* 15 U.S.C. § 1673. As the tax garnishment is less than twenty-five percent of Defendant's net earnings, the United States requests that the remainder of Defendant's net earnings which remain after all deductions required by law have been withheld, and one hundred percent of all 1099 payments, be applied to the United States' garnishment, and that the United States' garnishment take immediate effect.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$12,112.38 computed through June 16, 2015. Garnishee will pay the United States up to twenty-five percent of Defendant's net earnings which remain after all deductions required by law have been withheld and after the existing federal tax garnishment has been applied, and one hundred percent of all 1099 payments, and Garnishee will continue said payments until the debt to the Plaintiff is paid in full or until Garnishee no longer has custody, possession or control of any property belonging to Defendant or until further Order of this Court.

IT IS FURTHER ORDERED that upon full satisfaction of Defendant's delinquent tax debt and termination of the tax garnishment, the Garnishee will pay the United States twenty-five percent of Defendant's net earnings which remain after all deductions required by law have been withheld, and one hundred percent of all 1099 payments, and Garnishee will continue said payments until the debt to Plaintiff is paid in full, or until Garnishee no longer has custody, possession or control of any property belonging to Defendant, or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

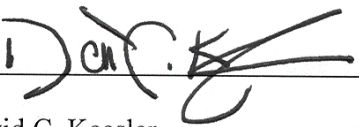
Clerk of the United States District Court
401 West Trade Street
Charlotte, NC 28202

In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW3:03MJ193.

IT IS FURTHER ORDERED that Garnishee will advise this Court if Defendant's employment is terminated at any time by Garnishee or Defendant.

Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment Defendant would normally receive may be offset and applied to this debt.

Signed: August 3, 2015



David C. Keesler
United States Magistrate Judge

